

## LAW ON PROTECTION OF TOPOGRAPHIES OF INTEGRATED CIRCUITS<sup>1</sup>

### Article 1

This Law regulates the grant of protection of topographies of integrated circuits.

### Article 2

An “integrated circuit” shall mean the final or intermediate form of any product intended to perform an electronic function, consisting of a body of material which includes one or several connected layers composed of integrated elements, of which at least one shall be an active element.

The “topography of an integrated circuit” (hereinafter: topography) shall mean an invariably fixed series of related images for each layer of the integrated circuit, representing the disposition of semiconducting elements on layers, however fixed or encoded or otherwise expressed.

“Commercial exploitation” of a topography means the manufacture, sale, rental, leasing or any other method of commercial distribution, directly relating to a topography or integrated circuit, produced on the basis of the respective topography.

### Article 3

The right to protection of a topography shall apply in favour of its creator. When a topography is the product of several creators, the said right shall apply in favour of all those persons.

Where a topography is created in the course of the creator's employment or on the basis of order, the right to protection shall apply in favour of the creator's employer or person placing the order, unless the terms of employment or order provide to the contrary.

The persons entitled to the right under paragraphs 1 and 2 may be natural persons who are nationals of the Republic of Slovenia, as well as companies and other legal persons whose seat is on the territory of the Republic of Slovenia.

The persons entitled to the right under paragraphs 1 and 2 may also be natural persons who are not nationals of the Republic of Slovenia and have not their habitual residence on the territory of the Republic of Slovenia, as well as foreign companies and other foreign legal persons, if this results from international contracts and conventions or from the application of the principle of reciprocity.

### Article 4

The Slovenian Intellectual Property Office (hereinafter: Office) shall maintain the register of protected topographies, as well as carry out the administrative proceedings and other administrative matters relating to the grant of the right of protection of a topography.

There shall be no appeal against a decision taken by the Office in accordance with this Law; an administrative litigation proceeding shall, however, be possible.

The register referred to in paragraph 1 shall be open to public.

### Article 5

A topography shall be protected if it is original.

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<sup>1</sup> of March 30, 1995.

**Slovenian title:** Zakon o varstvu topografije polprevodniških vezij

**Entry into force:** April 29, 1995

**Source:** Uradni list Republike Slovenije, No. 21/1995, of April 14, 1995, p. 1606

A topography is considered to be original if it is the result of its creator's own intellectual effort and was not commonplace in the semiconductor industry when it was created.

Where a topography consists of elements that are commonplace in the respective industry, only the combination of these elements shall be protected, provided that it fulfils the conditions relating to originality, as provided for in paragraph 2.

#### Article 6

The holder of the protected topography shall be granted exclusive rights of commercial exploitation, including the right to authorize or prohibit any of the following acts:

- reproduction of the topography by any means or in any form;
- importation, sale or other form of distribution of the topography or integrated circuit incorporating the respective topography or products that include integrated circuit incorporating the respective topography.

The exclusive rights referred to in paragraph 1 shall not extend to any concept, process, system or technique embodied in the topography other than the topography itself.

#### Article 7

A topography shall be protected when it is entered into the register of topographies. The exclusive rights shall come into existence on the earlier of the following dates:

- the date of filing of application in accordance with Article 9; or
- the date when the respective topography was first commercially exploited anywhere in the world.

The exclusive rights shall come to an end 10 years from the earlier of the following dates:

- the end of the calendar year in which the topography is first commercially exploited anywhere in the world; or
- the end of the calendar year in which the application has been filed in due form.

Within the term of protection, the rightholder is entitled to mark the respective integrated circuit with a capital T.

The exclusive rights shall expire before the period defined in paragraph 1, if the respective fees are not paid or if the rightholder of the protected topography renounces protection in writing.

Notwithstanding paragraph 1, if a topography has not been commercially exploited, the exclusive rights shall expire after 15 years from its fixation or encoding.

#### Article 8

An application can not be filed after the lapse of 2 years from the date when a topography was first commercially exploited.

#### Article 9

The procedure for the registration of right of protection shall commence with a request relating to the entry into register, which shall be accompanied by all prescribed items (hereinafter: application).

The application shall contain the following items:

- name and signature of the applicant, name of the creator, nationality and habitual residence or seat of the applicant;
- images relating to the respective topography, accompanied by the mention of their sequence;
- an abstract comprising the characteristics of the electronic function or functions of a integrated circuit, manufactured on the basis of the protected topography;
- if the topography has already been commercially exploited, a statement in writing relating to the date when the respective topography was first commercially exploited.

A separate application shall be filed for each topography.

The Minister of Science and Technology shall issue regulations specifying in greater detail the contents of application.

#### Article 10

Fees shall be paid in consideration of the registration and continuation in force of topography.

The Government of the Republic of Slovenia shall lay down regulations setting the amount of fees described in paragraph 1.

#### Article 11

The Office shall examine whether the application fulfils the conditions relating to the entry in the register of topographies as specified in Article 9(1).

The request shall be rejected if the application does not fulfil the said conditions.

If the application fulfils the conditions only in part, the Office shall invite the applicant to amend the application within the time limit of 2 months. The Office may, for legitimate reasons and on request of the applicant, extend this term for another 3 months. If the applicant fails to reply in due time, the application shall be deemed to be withdrawn.

If the application fulfils all the conditions, it shall be entered in the register of topographies, and the applicant shall be issued a certificate relating to the entry in the register.

The entry in the respective register shall be published in the official bulletin of the Office.

#### Article 12

The registration is invalidated if it is established that:

- the respective topography is not original; or
- the application has not been filed by a natural or legal person who is entitled to the right to protection; or
- the application has been filed after the date set out in Article 7(5) or Article 8; or
- images relating to topography cannot make a possibility of its identification.

Any natural or legal person may institute an action before a competent court to declare the rights null and void on the grounds indicated in the preceding paragraph.

The final judgement shall be published in the official bulletin of the Office.

#### Article 13

A person whose rights have been infringed may, in addition to damages, request that the person infringing his right be prohibited from carrying on the acts giving rise to violation.

Any person who infringes the rights of protection of a protected topography shall be liable for any damage (thus caused) in accordance with the general principle governing compensation for damage.

The following cases shall not be considered an infringement of rights of protection:

- reproduction of the protected topography for non-commercial purposes; or
- reproduction of the protected topography with the purpose to analyse or evaluate its concept, processes, systems and techniques, embodied in the topography, or for research or educational purposes; or
- commercial exploitation of a new topography which has, however, been created on the basis of analyses and evaluation of the protected topography, but is considered to be original and the result of its creator's own intellectual effort and is not commonplace in the semiconductor industry.

The provisions of paragraph 1 shall apply also to the successors in title of the person referred to in paragraph 1.

#### Article 14

A person, who commercially exploits an integrated circuit incorporating the protected topography, and does not know, or has no reasonable grounds to believe that the topography of the product is protected, shall not be prevented from commercially exploiting that integrated circuit.

Compensation, the amount of which depends on the scope of commercial exploitation of the protected topography, may be claimed from the person referred to in paragraph 1 by the rightholder of the protected topography. Compensation may be claimed from the date when the person referred to in paragraph 1 has known, or has had reasonable grounds to believe that the topography is protected.

The amount of compensation under paragraph 2 shall be agreed upon between the rightholder of the protected topography and the person referred to in paragraph 1. If no agreement is reached, the competent court shall establish the amount of compensation.

The provisions of paragraph 1 shall apply also to the successors in title of the person referred to in paragraph 1.

The right of commercial exploitation referred to in paragraph 1 is limited to importation, sale or distribution of the products of integrated circuits or other products incorporating the respective topography, and this right applies to a topography or products that were on hand at the time when the claim under paragraph 2 was received.

#### Article 15

The rights as provided for in the second subparagraph of Article 6(1) may not be exercised after the protected topography or integrated circuit has been put on the market by the respective rightholder or with his consent.

#### Article 16

Pursuant to this Law, only topographies which have been created after the date when this Law entered into force may be protected.

#### Article 17

The provisions of Article 5(3) (representation of foreigners), of Article 7(1) (non-availability of unpublished applications), of Article 44(3) (receipt of application), of Article 65(2) and (3) (entry of data and changes in the register), of Articles 88 and 89 (invalidation of rights), of Article 97 (time limits for infringement action), of Articles 106 and 107 (transfer of rights), of Articles 108, 110 and 111 (licence), and of Article 119 (representation) of the Law on Industrial Property (Official Gazette of the Republic of Slovenia No. 13/92, 27/93), shall apply *mutatis mutandis*.

#### Article 18

Regulations of Articles 9 and 10 shall be published no later than within six months following the date when this Law enters into force.

#### Article 19

This Law shall enter into force on the fifteenth day following its publication in the Official Gazette of the Republic of Slovenia.